

# Exhibit 1

FILED

2015 AUG 24 PM 3:36

LAW OFFICES  
CLERK OF THE COURT  
YUMA ARIZONA

1  
2 Law Office of  
3 CARTER MOREY  
4 A Professional Corporation  
5 110 South Church Avenue, Suite 2170  
Tucson, Arizona 85701  
(520) 792-4330  
Telefax: (520) 623-9568

6  
7 Carter Morey (State Bar # 003734)  
8 Attorney for Plaintiff

9 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

10 IN AND FOR THE COUNTY OF YUMA

11 JONATHAN MARSHALL, individually, as the )  
12 surviving son of MELISSA MARSHALL, deceased, )  
and on behalf of NICHOLAS MARSHALL, surviving )  
13 son, and RUTH JUNTILLA, surviving mother of )  
MELISSA MARSHALL, deceased, and all other )  
14 statutory beneficiaries of MELISSA MARSHALL, )  
deceased )

NO. S1400CV201500724  
COMPLAINT  
(Tort, Medical Negligence,  
Wrongful Death)

15 Plaintiff, )

16 v. )

17 LA MESA REHABILITATION AND CARE )  
18 CENTER; FIVE STAR QUALITY CARE, )

19 Defendants. )

20 Plaintiff alleges:

21 I.  
22

23 Plaintiff JONATHAN MARSHALL is the surviving son of MELISSA MARSHALL and  
24 brings this action on his behalf and on behalf of NICHOLAS MARSHALL, surviving son and  
RUTH JUNTILLA, surviving mother of MELISSA MARSHALL, and all other statutory  
25 beneficiaries of MELISSA MARSHALL, pursuant to A.R.S. 12-611, et seq., to recover damages  
for the wrongful death of MELISSA MARSHALL.

1 II.

2       The events complained of herein occurred in Yuma County, Arizona, at La Mesa  
3 Rehabilitation and Care Center.

4 III.

5       Defendant LA MESA REHABILITATION AND CARE CENTER is an Arizona  
6 corporation, doing business in Yuma County, Arizona, as a rehabilitation and care center, known  
7 as La Mesa Rehabilitation and Care Center which provides rehabilitation health care, and care  
8 services to the public and which provided rehabilitation health care and care services to decedent  
9 MELISSA MARSHALL at all times relevant hereto.

10 IV.

11       Defendant FIVE STAR QUALITY CARE is an Arizona corporation, doing business in  
12 Yuma County, Arizona, as a rehabilitation and care center, known as La Mesa Rehabilitation and  
13 Care Center which provides rehabilitation health care, and care services to the public and which  
14 provided rehabilitation health care and care services to decedent MELISSA MARSHALL at all  
15 times relevant hereto.

16 V.

17       At all times mentioned herein, Defendant FIVE STAR QUALITY CARE employed  
18 health care providers at La Mesa Rehabilitation and Care Center who were licensed to provide  
19 health care in the State of Arizona and who held themselves out to the decedent, MELISSA  
20 MARSHALL, the Plaintiff JONATHAN MARSHALL and the public as health care providers  
21 qualified and skilled in the practice of health care.

22 VI.

23       All Defendants were either agents, employees or principals of each other at all times  
24 relevant to the allegations in this Complaint and are vicariously liable and responsible for the  
25 conduct of one another under the principles of respondeat superior, ostensible agency, or  
26 otherwise.

VII.

On or about October 23, 2014, and thereafter and at all times relevant thereto, Defendants, individually and by and through their agents and employees, including agents and employees not named in this Complaint, each and all of them, individually and in concert with one another, negligently, grossly negligently and with reckless disregard for the rights of others, including MELISSA MARSHALL, JONATHAN MARSHALL, NICHOLAS MARSHALL and RUTH JUNTILLA, failed to provide appropriate supervision, and care and responsibility to MELISSA MARSHALL; and Defendants had prior knowledge of MELISSA MARSHALL's previous wandering and leaving of the premises; and yet they negligently, grossly negligently and with reckless disregard for the rights of others, including MELISSA MARSHALL, JONATHAN MARSHALL, NICHOLAS MARSHALL and RUTH JUNTILLA, allowed MELISSA MARSHALL to leave the premises of La Mesa Rehabilitation and Care Center, where she was found at a Circle K where she had fallen in the parking lot and hit her head. Thereafter, MELISSA MARSHALL suffered head injuries and brain damage as the result of the negligent supervision, care and responsibility of Defendants. As a result of Defendants' conduct and grossly negligent supervision, care and responsibility, MELISSA MARSHALL passed away on November 5, 2014.

18 As a result of the grossly negligent and reckless conduct of Defendants, and each of them,  
19 as set forth above, Plaintiff JONATHAN MARSHALL has lost his mother, NICHOLAS  
20 MARSHALL has lost his mother, and RUTH JUNTILLA has lost her daughter, and each has  
21 suffered and will continue to suffer in the future as a result of the death of MELISSA  
22 MARSHALL: a) loss of love, affection, companionship, care, protection and guidance; b) pain,  
23 grief, sorrow, anguish, stress, shock and mental suffering; and c) along with other pecuniary and  
24 non-pecuniary damages the exact amount of which is not yet known, but which will be proven  
25 at trial. The amount of the damages resulting from the death of MELISSA MARSHALL  
26 exceeds the minimum jurisdictional limit of this Court.

1 WHEREFORE, Plaintiff JONATHAN MARSHALL requests judgment against  
2 Defendants, and each of them, for compensatory and punitive damages, for costs, for  
3 prejudgment interest from the date of death on all liquidated damages, and for such other and  
4 further relief as the Court deems just and proper.

5 Dated this 21<sup>st</sup> day of August, 2015.

6  
7  
8  
9  
LAW OFFICE OF CARTER MOREY  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Carter Morey  
Attorneys for Plaintiff

## ARIZONA SUPERIOR COURT, YUMA COUNTY

Plaintiff JONATHAN MARSHALL, ET AL.	NO. S1400CV20/50724	
Defendant LA MESA REHABILITATION AND CARE CENTER; FIVE STAR QUALITY CARE	CIVIL SUMMONS	

THE STATE OF ARIZONA to the above-named Defendant: La Mesa Rehabilitation and Quality Care; 2470 S. Arizona Avenue, Yuma, AZ 85364

I A lawsuit has been filed against you.

- II If you do not want a Judgment taken against you for the relief demanded in the accompanying Complaint, you must file a Response in writing in the Office of the Clerk of the Superior Court, 250 W. 2nd Avenue, Yuma, Arizona, accompanied by the necessary filing fee. A copy of the Response must also be mailed to the plaintiff/attorney whose name appears below.
- III The Response must be filed within TWENTY DAYS, exclusive of the date of service, if served within the State of Arizona, or within THIRTY DAYS, exclusive of the date of service, if served outside the State of Arizona.
- IV This is a legal document. If you do not understand its consequences, you should seek the advice of an attorney. Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least three working days in advance of a scheduled court proceeding.

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by parties at least 3 judicial days in advance of a scheduled court proceeding.

WITNESS My Hand and the Seal of the Superior Court.

DATED: AUG 24 2015

CLERK OF THE SUPERIOR COURT  
Clerk of Superior Court

By \_\_\_\_\_ By \_\_\_\_\_  
DEPUTY CLERK  
TAMMY SHERMAN

ATTORNEY'S NAME, ADDRESS, PHONE  
Carter Morey  
LAW OFFICE OF CARTER MOREY  
110 South Church Avenue, Suite 2170  
Tucson, Arizona 85701  
(520) 792-4330  
State Bar No. 003734

## ARIZONA SUPERIOR COURT, YUMA COUNTY

Plaintiff JONATHAN MARSHALL, ET AL.	NO. S1400CV201500724 CIVIL SUMMONS
Defendant LA MESA REHABILITATION AND CARE CENTER; FIVE STAR QUALITY CARE	

THE STATE OF ARIZONA to the above-named Defendant: Five Star Quality Care; 2470 S. Arizona Avenue, Yuma, AZ 85364

- I A lawsuit has been filed against you.
- II If you do not want a Judgment taken against you for the relief demanded in the accompanying Complaint, you must file a Response in writing in the Office of the Clerk of the Superior Court, 250 W. 2nd Avenue, Yuma, Arizona, accompanied by the necessary filing fee. A copy of the Response must also be mailed to the plaintiff/attorney whose name appears below.
- III The Response must be filed within TWENTY DAYS, exclusive of the date of service, if served within the State of Arizona, or within THIRTY DAYS, exclusive of the date of service, if served outside the State of Arizona.
- IV This is a legal document. If you do not understand its consequences, you should seek the advice of an attorney. Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least three working days in advance of a scheduled court proceeding.

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by parties at least 3 judicial days in advance of a scheduled court proceeding.

WITNESS My Hand and the Seal of the Superior Court.

DATED: AUG 24 2015 LYNN FAZZ  
 Clerk of Superior Court  
 CLERK OF THE SUPERIOR COURT  
 By \_\_\_\_\_ DEPUTY CLERK  
 TAMMY SHERMAN

ATTORNEY'S NAME, ADDRESS, PHONE  
 Carter Morey  
 LAW OFFICE OF CARTER MOREY  
 110 South Church Avenue, Suite 2170  
 Tucson, Arizona 85701  
 (520) 792-4330  
 State Bar No. 003734

## Exhibit 2

1  
2  
3 Law Office of  
4 CARTER MOREY  
A Professional Corporation  
5 110 South Church Avenue, Suite 2170  
Tucson, Arizona 85701  
(520) 792-4330  
6 Telefax: (520) 623-9568

7 Carter Morey (State Bar # 003734)  
8  
Attorney for Plaintiff

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN AND FOR THE COUNTY OF YUMA**

11 JONATHAN MARSHALL, individually, as the )  
12 surviving son of MELISSA MARSHALL, deceased, )  
and on behalf of NICHOLAS MARSHALL, surviving )  
13 son, and RUTH JUNTILLA, surviving mother of )  
MELISSA MARSHALL, deceased, and all other )  
14 statutory beneficiaries of MELISSA MARSHALL, )  
deceased )

) NO. S1400CV201500724

WAIVER OF PROCESS OR  
ACCEPTANCE OF  
SERVICE FOR  
DEFENDANT LA MESA  
REHABILITATION AND  
CARE CENTER

15 Plaintiff, )  
16 v. )  
17 LA MESA REHABILITATION AND CARE )  
CENTER; FIVE STAR QUALITY CARE, )  
18 Defendants. )

) (Tort, Medical Negligence,  
Wrongful Death)

21  
22 1. I am the Defendant named, or an agent of the Defendant named who is  
23 authorized to execute this Waiver of Process or Acceptance of Service, pursuant to  
24 Arizona Rules of Civil Procedure 5(c), on behalf of that Defendant.

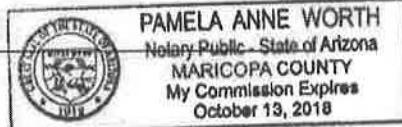
25 2. I have either received a copy of the Plaintiff's Complaint and Summons  
filed and issued in this action, accepting service of those documents, or waived service

1 of process; and agree that this action may proceed against this Defendant as though this  
2 Defendant had been personally served within the State of Arizona.

3. This Waiver or Acceptance does not constitute an appearance.

4 I have read the foregoing document and know of my own knowledge that the facts  
5 stated herein are true and correct.

6  
7  
8 Carol Romano  
9 GUST ROSENFELD  
10 1 E. Washington, Ste. 1600  
11 Phoenix, AZ 85004  
12  
13 STATE OF ARIZONA      )  
14 COUNTY OF PIMA      )      ss:  
15  
16 This instrument was subscribed and sworn to before me this 14<sup>th</sup> day of OCTOBER  
17 , 2015, by CAROL ROMANO In witness thereof, I hereunto set my hand and official seal.  
18  
19 My Commission Expires:  
20  
21



*Pamela Anne Worth*  
Notary Public

1  
2  
3 Law Office of  
4 CARTER MOREY  
A Professional Corporation  
5 110 South Church Avenue, Suite 2170  
Tucson, Arizona 85701  
(520) 792-4330  
6 Telefax: (520) 623-9568

7 Carter Morey (State Bar # 003734)  
8  
Attorney for Plaintiff

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN AND FOR THE COUNTY OF YUMA**

11 JONATHAN MARSHALL, individually, as the )  
12 surviving son of MELISSA MARSHALL, deceased, )  
13 and on behalf of NICHOLAS MARSHALL, surviving )  
son, and RUTH JUNTILLA, surviving mother of )  
14 MELISSA MARSHALL, deceased, and all other )  
statutory beneficiaries of MELISSA MARSHALL, )  
deceased )  
15 Plaintiff, )  
16 v. )  
17 LA MESA REHABILITATION AND CARE )  
18 CENTER; FIVE STAR QUALITY CARE, )  
19 Defendants. )  
20

) NO. S1400CV201500724

**WAIVER OF PROCESS OR  
ACCEPTANCE OF  
SERVICE FOR  
DEFENDANT FIVE STAR  
QUALITY CARE**

(Tort, Medical Negligence,  
Wrongful Death)

21  
22 1. I am the Defendant named, or an agent of the Defendant named who is  
23 authorized to execute this Waiver of Process or Acceptance of Service, pursuant to  
24 Arizona Rules of Civil Procedure 5(c), on behalf of that Defendant.

25 2. I have either received a copy of the Plaintiff's Complaint and Summons  
filed and issued in this action, accepting service of those documents, or waived service

1 of process; and agree that this action may proceed against this Defendant as though this  
2 Defendant had been personally served within the State of Arizona.

3. This Waiver or Acceptance does not constitute an appearance.

4 I have read the foregoing document and know of my own knowledge that the facts  
5 stated herein are true and correct.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
Carol Romano  
GUST ROSENFELD  
1 E. Washington, Ste. 1600  
Phoenix, AZ 85004

STATE OF ARIZONA      )  
                                ss:  
COUNTY OF PIMA      )

This instrument was subscribed and sworn to before me this 14<sup>th</sup> day of OCTOBER  
2015, by Carol Romano In witness thereof, I hereunto set my hand and official seal.

Pamela Anne Worth  
Notary Public

My Commission Expires:

